IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 11312 of 2005

Between:

B. Subbalakshmi W/o. Narayudu,
R/o. Andaluru (V) Veeravasaram (M)
W.G.District.

..... PETITIONER

AND

1 Superintending Engineer (Assessment), Eastern Power Distribution

Company of A.P. Ltd.,
Opp: Park Hotel Vidyut Saktha Compound,
Ganjipet Junction, Visakhapatnam.

2 Divisional Engineer (Assessment), Eastern Power Distribution

Company of A.P Ltd., Rajahmundry.

3 Assistant Divisional Engineer (Operation), Eastern Power Distribution

Company of A.P Ltd., Palakole, W.G.District.

4 Assistant Accounts Officer (ERO), Eastern Power Distribution

Company of A.P Ltd.,
Palakole W.G.District.

..... RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, preferably one in the nature of writ of mandamus declaring the action of the respondents in not restoring power supply to petitioner's domestic service connection No.304, Cat-I of Andaluru distribution in spite of payment of half of the final assessment order, dt.23-9-2004 during pendency of the appeal before 1st respondent is illegal, irregular, arbitrary and violative of principles of natural justice and violative of Articles 14 and 21 of Constitution of India and also the provisions of Electricity Act 2003 and consequently direct the respondents to

restore power supply for the said service connection and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of the justice.

Counsel for the Petitioner: MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondents 1 to 4 : MR.V.AJAYAKUMAR

S.C. for E.P.D.C.L.

The Court at the stage of admission made the following

ORDER:

The writ petition is filed seeking a writ of mandamus to declare the action of the respondents in not restoring power supply to petitioner's domestic service connection No.304, Category-I of Andaluru distribution, in spite of payment of half of the final assessment order, dated 23-09-2004 during pendency of appeal before the first respondent-Superintending Engineer (Assessment), Eastern Power Distribution Company of A.P. Limited, Visakhapatnam, as illegal, arbitrary and consequently to direct the respondents to restore the power supply to the said service connection.

Heard the learned Counsel for the petitioner and the learned Standing Counsel for the Eastern Power Distribution Company of A.P. Limited, appearing on behalf of the respondents 1 to 4.

Admittedly, the appeal filed by the petitioner is said to be pending before the first respondent. At this stage, the petitioner cannot be permitted to prosecute the parallel proceedings in respect of the same incident. Therefore, the writ petition is devoid of merit and is liable to be dismissed.

Accordingly, the writ petition is dismissed at the stage of admission. However, it is open for the petitioner to work out his remedies available in the appeal before the appellate authority. No costs.

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K.C. BHANU, J

Date: 17th May, 2005

Note: Issue CC in two days

(B/o.)

Isn/Kvr

ASSISTANT REGISTRAR

To

1 Superintending Engineer (Assessment), Eastern Power Distribution

Company of A.P. Ltd.,
Opp: Park Hotel Vidyut Saktha Compound,
Ganjipet Junction, Visakhapatnam.

2 Divisional Engineer (Assessment), Eastern Power Distribution

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